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# **South Africa, Republic of**

## **Food and Agricultural Import Regulations and Standards**

### **Country Report**

### **2003**

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#### **Report Highlights:**

**In early 2003, South Africa published a draft of new regulations on anti-dumping to protect industries within the Southern African Custom Union (SACU) region from less expensive imports. By June this year, South Africa also signed a Cartagena Protocol on Biosafety, which includes a comprehensive regulatory system for transfer, handling, and use of GMO's. The government's regulations on Hazard Analysis Critical Control Point (HACCP), and labeling of GMO products are still under review. Anti-dumping tariffs are still imposed on imports of poultry legs and quarters from the United States.**

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DISCLAIMER:

**" This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Pretoria, South Africa for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY."**

Executive Summary .....	Page 1 of 11
Report Purpose .....	Page 2 of 11
Report Type .....	Page 2 of 11
Report Update .....	Page 2 of 11
SECTION I. FOOD LAWS .....	Page 3 of 11
SECTION II. LABELLING REQUIREMENTS .....	Page 4 of 11
GMO LABELLING .....	Page 4 of 11
SECTION III. PACKAGING AND CONTAINER REQUIREMENTS .....	Page 4 of 11
SECTION IV. FOOD ADDITIVE REGULATIONS .....	Page 5 of 11
SECTION V. PESTICIDES AND OTHER CONTAMINANTS .....	Page 5 of 11
Restrictions on agricultural products .....	Page 5 of 11
SECTION VI. OTHER REGULATIONS AND REQUIREMENTS .....	Page 5 of 11
SECTION VII. OTHER SPECIFIC STANDARDS .....	Page 6 of 11
Sanitary and Phytosanitary Standards .....	Page 6 of 11
Phytosanitary regulations for U.S. corn .....	Page 6 of 11
Restrictions for honey and mixtures of honey .....	Page 6 of 11
Phytosanitary requirements for fresh fruit imported from the U.S. ....	Page 6 of 11
The Perishable Products Export Control Board (PPECB) .....	Page 6 of 11
Regulations for a Hazard Critical Control Point (HACCP) system applicable to imported foodstuffs .....	Page 6 of 11
Regulations governing microbial standards for foodstuffs and related matters .....	Page 7 of 11
SECTION VIII. TRADEMARKS AND COPYRIGHTS LAWS .....	Page 7 of 11
SECTION IX. IMPORT PROCEDURES .....	Page 8 of 11
Tariffs .....	Page 9 of 11
Field Crops .....	Page 9 of 11
Corn .....	Page 9 of 11
Meat and Meat Products .....	Page 10 of 11
Poultry .....	Page 10 of 11
Red Meat .....	Page 10 of 11
Horticultural Products .....	Page 10 of 11
Fruits and Fruits juices .....	Page 10 of 11
Tree nuts .....	Page 11 of 11
Vegetables .....	Page 11 of 11
Wine .....	Page 11 of 11
Tariff Rate Quotas .....	Page 11 of 11

## **Executive Summary**

The Import/Export Control Act gives the Minister of Trade overall authority to control imports and exports to and from South Africa. The South African Department of Health's 2002 proposed regulations governing usage of a HACCP system for both domestic and imported foodstuffs is still under review. Also under review is the 2001 proposal by the South African Department of Health on labeling requirements for GMO products.

South Africa has no mandatory on country of origin labeling, for both primary and compound products. The National Goods Council mainly handles bar coding and numbering for retailed products. Two types of labeling include a) pure labeling for a specific product, and b) paperwork.

The final agreement for the Southern African Customs Union was completed in October 2002. In June 2003, South Africa approved the Cartagena Protocol on Biosafety, protecting all living organisms from being harmed by the external environment.

During the same period, the South African government launched a new body, the International Trade Administration Commission (ITAC), mainly to facilitate service deliveries and for the implementation of the SACU agreement.

Another agreement was signed between South Africa Revenue of Customs (SARS) and the United States Bureau of Customs and Border Protection to boost security measures at local ports to ensure the safety of exports from South Africa.

In early 2003, South Africa published a draft of new regulations on anti-dumping to protect industries within the Southern African Customs Union from less expensive imports.

**Report Purpose**

The FAIRS report is a market access report which aims to consolidate general information on the technical requirements for food and agricultural imports imposed by a country. It covers all edible food products, including processed fishery products, as well as regulations and standards governing the products.

**Report Type**

This is a FAIRS 'Country' report.

**Report Update**

Section I, VI and VIII are updated.

## **SECTION 1. FOOD LAWS**

All imports of foodstuffs should comply with the regulations as applied by the Foodstuffs, Cosmetics and Disinfectants Act ( Act 54 of 1972); and the South African Bureau of Standards (SABS) through the Trade Metrology Act ( Act of 1973).

The 2002 proposed regulation on Hazard Analysis Critical Control Point (HACCP) under the Department of Health's Foodstuffs, Cosmetics and Disinfectants Act ( Act 54 of 1972),is still under review. The regulations target all sectors of the South African food industry.

In June 2003, South Africa approved the Cartagena Protocol on Bio-safety, which protects living organisms from being harmed by the external environment. A world-wide implementation of the protocol is expected by September 2003. The Cartagena Protocol on Bio-safety set out the comprehensive regulatory system for ensuring the transfer, handling and use of GMO's. It is meant to make international trade in GMO's more transparent and will introduce important safety measures for the consumer, industry and the environment.

## **SECTION II. LABELING REQUIREMENTS**

Imported food products must meet South Africa's phytosanitary, veterinary, legal and labeling requirements before shipment. It is the responsibility of the importer to supply the exporter with relevant import information, because not all U.S. labels are standard with the South African regulations. For example, FDA allow usage of phrases like "healthy" or "fresh" , which is outlawed in the South African content. However, South Africa does follow some of the U.S. food labeling. Therefore stick-on labels meeting local requirements may accompany some standard U.S. label. The regulations also falls in line with Codex Alimentarius.

Imported foodstuffs should be labeled according to the requirements of the foodstuff Act 54 of 1972; All proportions should be calculated by mass, unless otherwise specified.

The country of origin for labeling foodstuffs should be the last country was further processing was conducted.

### **Language**

Information required to appear on any label shall be in at least one official language of the Republic of South Africa. English is one of South Africa's 11 official languages.

**Presentation**

Information required to appear on the label should be in letters not less than 1,00 mm in height. In the case of returnable soft drink bottles with endorsed labels, the letters on the cap may be a minimum of 0.75 mm in height.

The following is the required height of the letters compared to the area of the main panel of the package, as per the Act.

Area for main panel of the Package (mm2)	Percentage of prescribed height
12,000	85
8,000	70
5,000	50
3,000	25

**Identification**

The label should contain the name of the foodstuff, the name and address of the manufacturer, packer or seller, or person on whose behalf the foodstuff is prepacked, the list of ingredients, and special storage conditions.

**Prohibited Statements**

The label should not have words, pictorial presentations, marks or descriptions which create the impression that the foodstuff complies with, or was manufactured with recommendations of medical and dental practitioners, other than the dieticians. The name or description of the foodstuff on the label should not have words like 'health' or 'healthy' or any symbols that indicate health-giving properties. Other prohibited words on the labels are 'heal' or 'cure' or 'restorative'.

**Nutritional Labeling**

Nutrition labeling must appear on food labels or in accompanying labeling. The label must have the heading 'Nutrition Information', and should specify serving size the nearest kilojoule of energy content of a serving per 100g or per 100 ml, total amount of proteins, carbohydrates, fats and dietary fibre in grams(weight), sodium in milligrams, RDA proteins per serving.

Labeling of foods for special medical purposes must indicate nutritional information, osmolarity on acid-base balance, number of servings contained in the package, nature of animal/plant protein hydrolysates, the description of modification and information on the amino acid, fatty acid/carbohydrate profile, a bold capital lettered statement not less than 3mm reading 'USE UNDER MEDICAL SUPERVISION',

Foodstuffs which need not bear a list of ingredients include water, which is added with carbon dioxide

and having a name indicating it has been carbonated, vinegars fermented exclusively from a single basic product, dairy products containing only milk, or added with only starter culture or rennet, any drink according to the Sorghum Beer Act, 1962, or beer as described in the Liquor Act of 1989.

Articles of food in unlabeled containers are prohibited and are detained after inspection by the Health Port Officer.

Labeling requirements are covered under the Foodstuffs, Cosmetics and Disinfectants Act, the Agricultural Product Standards Act, 1990, and the Agricultural Pest Act of 1983.

## **GMO LABELING**

The South African 2001 proposed regulations on labeling of Genetically Modified and non-Genetically Modified foodstuffs have been reviewed. According to the proposals, labeling is mandatory only when; The composition differs significantly from non-GM foods; Nutritional value differs significantly; Storage, preparation or cooking differs significantly; Has potential hypersensitivity; Derived from plant material containing human or animal nucleic or protein from a GMO; Derived from animal material containing foreign animal nucleic acids or proteins from a GMO.

Voluntary claims on labeling are permitted if; It is applicable to improved composition, nutritional value, reduced causation of hypersensitivity; It is validated and certified and with the name of certifying body on the label; The claim must indicate that improvement has been achieved by certain GM techniques. A GM-free claim is not permitted.

Detailed explanations and comments on the proposals are available from the Department of Health, Tel no: 27-012-312-0159.

## **SECTION III. PACKAGING AND CONTAINER REQUIREMENTS**

For all goods, temperature in transit and at points of destinations must be taken into consideration when using gels and dry ice. Dry goods should be packed tightly to avoid internal damages. Chilled goods should be packed either in insulated containers with gel-packs/blue ice or in heavy cardboard boxes with gel-packs. Frozen goods, as with chilled, should be tightly packed with gel-packs and/or dry ice. Carton labels should be marked to indicate either dry/chilled/frozen contents. Goods should never be packed with wet ice. The shipments should be marked with colored labels, and all boxes should contain the following:

Supplier name, address, Destination, Total number of cartons shipped, and a copy of pro-forma / Commercial invoices.

## **SECTION IV. FOOD ADDITIVE REGULATIONS**

Foodstuffs containing food additives used as oxidants, sweeteners, colourants, curing agents, flavor enhancers, flavourants or preservatives, must be labeled with indications of every food additive. The label on any prepacked food additive or blend of food additives must comply with all labeling



requirements and bear the words ‘ for use in foodstuffs’, or ‘ for use in food’ or ‘blend of food additives’. If an additive is sulphur dioxide, the maximum and minimum percentages should be specified. The common chemical name of the product should be used in labels. The names ‘food colorant’ or ‘food coloring’ or ‘food color’ and common chemical name and color index number should appear in the label. The date of maximum durability for food additives with the shelf-life not exceeding 18 months should have words as ‘use before X’, where X represents the latest recommended date of use.

Regulations governing the labeling and advertising of foodstuffs are contained in: Foodstuffs, Cosmetics and Disinfectant Act, 1972 ( Act no. 54 of 1972). They can be accessed on-line at [www.DOH.gov.za](http://www.DOH.gov.za)

## **SECTION V. PESTICIDES AND OTHER CONTAMINANTS**

### **Restrictions on agricultural products**

The Foodstuff Act, 1972 governs the maximum limits for veterinary medicine and stock remedy residues that may be present in foodstuffs, as well as regulations that govern microbiological standards for foodstuffs and related matters; and regulations governing the maximum limit for pesticide residues that may be present in foodstuffs. The National Department of Agriculture’s standards and requirements for imported and exported agricultural and food products are published annually under the Agricultural Product Standards Act ( Act No. 119 of 1990). These standards stipulate the maximum residue limits for permissible chemicals. For more information on regulations for pesticides and related issues, the National Department of Agriculture can be reached at Tel:27-012-319-6000, or on-line at [www.nda.agric.za](http://www.nda.agric.za)

## **SECTION VI. OTHER REGULATIONS AND REQUIREMENTS**

South Africa requires permits for import, development, production, usage, release and distribution of GMO products. However, a permit is not necessary if the organisms are used in academic and research facilities. All GMO related consignments (containing more than 1% GMOs) entering South Africa require permit under the Genetic Modified Organisms Act, 1997 (Act no. 15 of 1997). Application for imports, exports and contained use of GMO products takes a minimum of 30 days and must be accompanied by a nominal fee. Specific requirements for the importation to South Africa of products that may inadvertently contain GMOs require a certificate from an independent accredited entity confirming that the consignment is free from GMOs or contains less than 1% GMOs.

For further information on GMO regulations, the Department of Agriculture, Directorate Genetic Resources can be reached at Tel: 27-12-319-6336, Fax; 27-12-319-6329, or on-line at [www.nda.agric.za](http://www.nda.agric.za)

For reference of the related U.S. information, U.S. fairs report, visit our website at [www.fas.usda.gov](http://www.fas.usda.gov)

## **SECTION VII. OTHER SPECIFIC STANDARDS**

### **Sanitary and Phytosanitary Standards**

South Africa is a member of the WTO and is bound by the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement). It also generally applies CODEX standards, but has very stringent SPS standards for some agricultural products. For example, the Department of Health (and not the Department of Agriculture), has imposed very restrictive tolerances for certain noxious seeds in grains. The legislation has been in force since the early 1970's and had never been reviewed until late 1999, when a shipment of U.S. wheat was detained upon detection of amounts of *Convolvulus* (Morning Glory) seeds above the tolerance level. To facilitate trade, and in the absence of clear international guidelines on tolerance levels for those seeds, the Department of Health enacted interim tolerance levels of 50 seeds for 10 kilograms of seed for *Convolvulus*.

### **Phytosanitary regulations for U.S. corn**

The phytosanitary regulation that restricted U.S. corn imports into certain areas of South Africa was lifted in 2000. The restriction was based on the concern that the corn grown by South African farmers might not be resistant to Stewart's wilt, a bacterial disease present in the United States. Entry of U.S. corn is subject to inspection but no laboratory testing is required. However, the normal phytosanitary certificate will require an additional declaration stating that the consignment was inspected and found free of corn flea beetle. This favors prospects for further imports from the U.S. Imports of corn seed from certain U.S. states are still subject to phytosanitary restrictions.

### **Restrictions for honey and mixtures of honey**

The regulations relating to the grading, packing and marking of honey and mixtures intended for sale in South Africa are applied under the Agricultural Product Standards Act, 1990 ( Act No. 119 of 1990). Imported honey must also comply with relevant requirements prescribed by the Foodstuffs, Cosmetics and Disinfectants Act, 1972 as applied by the Department of Health ( Tel. 27-12-312-0186/5), and conditions as stipulated by the prescribed permit issued in terms of the Agricultural Pests Act, 1983, as applied by the Department of Agriculture ( Tel. 27-12-319-6102/1). A rebate permit can be accessed at the Department of Agriculture at ( Tel. 27-12-319-6025).

### **Phytosanitary requirements for fresh fruit imported from the U.S.**

Currently, the only fresh fruit permitted entry into South Africa from the U.S. are fresh grapes and citrus from certain areas, subject to quarantine and inspection requirements. Access for additive fruits will be subject to basic risk assessments. For more information, contact: Directorate: Plant Health Quality, NDA, tel: 27-12-319-6346.

### **The Perishable Products Export Control Board (PPECB)**

PPECB is mandated and obliged by law to act in the best interests of the South African perishable product industries as a whole and to enforce specific shipping temperatures.

It is also responsible for ensuring that products meet quality standards; its principal control mechanism

is through product sampling. Currently, the PPECB is in the process of registering as an international quality Management Organization (ISO 9000). It also intends to extend its management system to cover the full 'orchard to consumer' logistical chain, e.g. improving procedures on HACCP and quality management systems on food safety in order to provide a fully comprehensive range of services.

The National Department of Agriculture, Directorate of Plant Quality and Health, is developing a system-based quality assurance program for export food industries, including the deciduous fruit sector, incorporating HACCP-based principles for food safety control.

The South African Bureau of Standards (SABS), recently revised codes of practice, SABS 049-1989, for hygiene, GMP in South African food industries. This will also impact the deciduous fruit sector. The code of practice, SABS 0330-1999, entitled " The Implementation and Management of a HACCP System" has been published and it provides a detailed description of points outlined above.

### **Regulations for a Hazard Critical Control Point (HACCP) system applicable to imported foodstuffs**

South Africa's 2002 proposed regulations governing usage of HACCP system, applicable for both domestic and imported foodstuffs, is under review. The HACCP system, which is science based and systematic, identifies specific hazards and measures for their control to ensure the safety of food. South Africa structured the system to address the principles provided by the Joint Food and Agricultural Organization/ World Health Organization ( FAO/WHO) food standards programs and the Codex Alimentarius Commission's general food hygiene requirements.

This regulation can be accessed under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act no.54 of 1972).

### **Regulations governing microbial standards for foodstuffs and related matters**

In 2002, amendments were made to regulation for rooibos and honey-bush teas to include microbial specifications. The regulations can be accessed under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act no.54 of 1972).

## **SECTION VIII. TRADEMARKS AND COPYRIGHTS LAWS**

South Africa's copyright law is in line with international standards.

Regulations relating to copyright and related matters are applied under the Copyright Act no.98 of 1978, amended as Copyright Amendment Act, no. 125 of 1992. All products require documentation to enter South Africa and some require specialized certification.

Copyright in relation to the state and certain international organizations shall be made under the direction or control of state or such organizations as may be described.

For more information on Patents, Designs and Copyright regulations can be accessed at the Department of Trade and Industry, on-line at [www.dti.co.za](http://www.dti.co.za)

## SECTION IX. IMPORT PROCEDURES

The following table summarizes requirements for certain imported food products:

PRODUCTS	REQUIREMENTS
1. Wheat and Corn	Imports permit. Wheat: An additional declaration to an APHIS certificate is required stating: "The wheat in this shipment originated in areas of the United States where TILLETIA INDICA (karnal bunt) is not known to occur. Corn: Tests for Stewart Wilt disease.
2. Apples	Imports permit. Tests for Fire blight disease.
2. Meat or meat products	Import permits/ veterinary health certificate. Salmonella testing for all poultry imports.
3. Dairy products	Import permit/ veterinary health certificate
4. Wine, spirit, beer, liquor	Imports permit. No excise duties. 25% ad valorem.
5. Seafood products	Import permit required, *DTI
6. Plant products	Phytosanitary certificate

\*DTI ( Department of Trade and Industry)- Director: Bilateral Trade Relations, Private Bag X84 PRETORIA. Tel:27-012-310-9373, Fax: 27-012-322-7353.

A permit is required for the importation of controlled commodities. This should be done 30 days prior to date of arrival of controlled goods at specific port of entry. Upon entry, imports should be inspected in terms of section 3(2)(b) of Act 36 of 1983 to ensure that the consignments are readily available and the marks, printing/writing on the containers or on labels attached can readily be read. All import documents should be submitted to the Director: South African Agricultural Food Quarantine Inspectorate Services (SAAFQIS), Private Bag X258 PRETORIA, 0001. Tel: 27-012-319-6502.

A permit shall not be issued to any person other than linked to a research institution for importation of any live plants, vegetative propagation material or seed of a kind of plant that has in terms of section 2(3) of the Conservation of Agricultural Resource Act, 1983(Act 43 of 1983), been declared a weed or an invader plant.

No phytosanitary certification is required for some specified commodities intended for planting. However, for other species a phytosanitary certificate is necessary with no additional declaration required. A permit is required for imports of all organisms derived from activities which involve genetic manipulations.

## **Tariffs**

Following the deregulation of the agricultural sector in 1997, tariffs became the major policy instrument for regulating imports. South Africa's tariffs on agricultural products are normally applied at below their Uruguay Round bound rates. The value of the South African Rand is constantly gaining strength to the dollar. Currently the exchange rate averages about \$1 = R7.69 by 15 July 2003.

The final agreement for the Southern African Customs Union was completed by October 2002. The agreement is expected to phase out all tariffs within the SACU member states (Namibia, Botswana, Lesotho, Swaziland, South Africa). Since 1994, SACU was granted a temporary relief from import tariffs on limited volumes of agricultural products.

## **Field Crops**

### **Corn**

Under normal conditions, South Africa imports only a small quantity of corn into the coastal areas, mainly from Argentina which enjoys a transport cost advantage. In 1999, U.S. corn also faced phytosanitary restrictions which was phased out in early 2000.

The following table indicates the applicable tariffs as of July/2003.

Commodity	Tariffs
Corn	Free (since Oct,24/2003)
Wheat	R32.80/t (July,04/2003)
Sorghum	fixed on 3% of the FOB price
Soyabean	fixed on 8% of the FOB price

Sunflower seed	fixed on 9.4% of the FOB price
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## Meat and Meat Products

### Poultry

In December 2000, South Africa imposed anti-dumping duties on U.S. chicken parts ( HS 0207.14 and 1602.332) as a result of an investigation that began in December 1999 following a complaint by the South African poultry industry.

The duties are as follows:

Frozen, prepared or preserved meat of fowls of species *Gallus domesticus*, cut in pieces with bone-in ( excluding that cleared in terms of rebate item 470.03 of schedule no.4 to the Customs and Excise Act, 1964), manufactured by Tyson Foods Incorporated, has a tariff of R2,24c/kg.

Frozen, prepared or preserved meat fowls of species *Gallus domesticus*, cut in pieces with bone-in ( excluding that cleared in terms of rebate item 470.03 of schedule no.4 to the Customs and Excise Act, 1964), manufactured by Gold Kist Incorporated, has a tariff of R2,45c/kg.

Frozen, prepared or preserved meat of fowls of species *Gallus domesticus*, cut in pieces with bone-in ( excluding that manufactured by Tyson Foods Incorporated and Gold Kist Incorporated and that cleared in terms of rebate item 470.03 of schedule no.4 to the Customs and Excise Act, 1964), has a tariff of R7,25c/kg. The current report is that the previous R7,25c/kg has been reduced to R6,96c/kg.

### Red Meat

Import duties for beef and mutton/lamb is 40% ad valorem. The duty is based on the cost of the product ex-store in the exporting country. This method of applying duties can lead to under-invoicing of imported products. The industry is now opting for a flat rate duty as in the case of chicken portions. Import duties for Pork meat is 15% or 130c/kg.

### Horticultural Products:

#### Fruits and Fruits juices

Fresh Oranges:	5%/kg
Fresh Grapefruit:	5%/kg
Fresh Lemons:	5%/kg
Frozen Concentrate Orange Juice:	25%/kg
Orange Juice, not frozen:	25%/kg
Fresh Apples :	5%/kg
Apple juice	Free
Fresh Pears:	5%/kg
Fresh Cherries:	5%/kg

Fresh Peach/Nectarines:	5%/kg
Fresh Strawberry:	5%/kg
Fresh Grapes:	5%/kg
Grape juice	5%
Raisins	Full duty less 4,6%
Prunes	Full duty less 6,6%
<b>Tree nuts</b>	
Almonds, unshelled	Free
Almonds, shelled	Free
Pistachios	Free
Walnuts	Free
<b>Vegetables</b>	
Corn,sweet canned	20%/kg
Broccoli	Free
Lettuce	Free
Tomatoes	15%/kg
Potatoes	0.48%/kg
<b>Wine</b>	
Wine ( 2 liters or <)	Full duty in part 1 less 19,6%
Sparkling wine(2 liters or <)	Full duty in part 1 less 14,6%

### Tariff Rate Quotas

South Africa has tariff-rate quotas on many products, among which are wheat, sorghum, corn, meat of swine and sheep, sunflower-seed, potatoes and sugar. These TRQs were established as part of the Uruguay Round market access commitment, and their implementation became effective on January 1, 1995. The main administrative mechanism for implementing these TRQs is through import permits issued by the Department of Agriculture, and country specific allocations to traditional importers. South Africa's implementation of TRQs appears to be WTO consistent. The South African Department of Trade and Industry has noted to the WTO that many of the TRQs have not been opened because the applied rates for the products have been less than the in-quota tariff rates, and that for those that have been opened the applied rates have usually been less than the bound rates.

In 2000 the South African Government restructured its administration to include a Directorate of Dumping Investigation which is responsible for the anti-dumping matters that were traditionally handled by the Board on Tariffs and Trade (BTT). The Board on Tariffs and Trade now handles only tariff matters.

In July 2003, the South African government launched a new International Trade Administration Commission, which is body replacing the former Board of Tariffs and Trade, formed in 2000 to investigate anti-dumping matters. The body is expected to simplify tariff structures and will offer importers and exporters on-line services on [www.itac.org.za](http://www.itac.org.za). It will also implement the new Southern African Customs Union (SACU) agreement.

Itac will not be directly involved in the WTO negotiations under the Doha round or the Sacu-US free

trade area negotiations, but will provide back-up information and advisory services to DTI negotiators.

In early 2003, South Africa published a draft of new regulations on anti-dumping to protect all food industries within the Southern African Customs Union from less expensive imports that have potential to cause damage to local companies. The new regulations are expected to improve the implementation of anti-dumping action, and will be in line with the World Trade Organization (WTO) requirements. The former antidumping legislation did not fully reflect South Africa's obligations under the General Agreement on Tariffs and Trade, which is a body responsible for implementing trade remedies. Because the current anti-dumping regulations were never ratified by parliament, they were not binding but only used as a guideline when conducting anti-dumping investigations, which frequently resulted in disputes. The proposed regulation is expected to provide the Board of Tariffs and Trade with a blueprint for conducting investigations.